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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,593	10/15/2003	Louis Holder	20807.0002	1757

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EXAMINER

JONES, PRENELL P

ART UNIT PAPER NUMBER

2668

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/684,593

Applicant(s)

HOLDER, LOUIS

Examiner

Prenell P. Jones

Art Unit

2668

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,5-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 2,3 and 5-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/16/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments with respect to claims 2, 3 and 5-7 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 2, 3 and 5-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claims 2 and 5 recites the limitation "the intermediate point" in lines 5, 7, 9 and 11-15 and 7-10 respectively. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 3, 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borella et al (US PAT. 6,731,642) in view of LeMaire et al (US PAT. 6,169,741).

Regarding claim 2, 3 and 5, Borella (US PAT. 6,731,642) (Abstract, col. 3, line 14-44, col. 11, line 48-52) discloses an IP telephony network utilizing network address translation, wherein communication exist between a caller station and callee station and the privacy and security associated with the IP telephony network is enhanced, whereby the architecture includes multiple components, such as, two routers, two gatekeepers and a back end server that work together to set-up a call, (col. 2, line 5-67) an intermediate network, routing calls between a caller station and callee station is accessible via an intermediate network (intermediate point/Internet), router connecting edge network to an intermediate network initiates a call in response to a setup message (at least a portion of a message) that includes a callee station number, routing means performs network address translation, intermediate network initiates call response to set-up message originating from callee station, (col. 7, line 23 through col. 8, line 45) in the registration process for both the caller (sender) and callee (destination) an edge network to a router transmits a first registration message, a second registration message and a third registration message (repeatedly sending other messages from destination) over Internet to the intermediate network, cascade of registration messages transmit callee station number (from destination), and responses are sent with respect to registration request of both caller and callee during registration process. Borella is silent on a router having at least one port that is designated with a time-out period. In a intermediate communication system that utilizes intermediate nodes and routers in its monitoring/management of data routing, LeMaire (US PAT. 6,169,741) discloses an intermediate system wherein the architecture includes

communicating among multiple bridges whereby at least one port is designated as a time out router port (col. 7, line 23-47, col. 9, line 9-67) and repeatedly sending query packets/messages (col. 9, line 45-50), and queries are sent within time-out interval (col. 9, line 48-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement a router time-out port as associated in the process of setting up calls as taught by LeMaire with the teachings of Borella for the purpose of managing response/queries in call setup as to minimize congestion at a port.

Regarding claim 6, as discussed above, Borella (US PAT. 6,731,642) discloses (Abstract, col. 3, line 14-44, col. 11, line 48-52) an IP telephony network utilizing network address translation and LeMaire discloses an Internet telephony system whereby the intermediate architecture includes users sending request to destination registration servers, and routers that utilizes router port timeout periods. Although, Borella is silent on destination consisting of a server that sends messages within time-out period, LeMaire disclose the bridge/server issuing query messages within time-out interval (col. 11, line 60 thru col. 12, line 7). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement sending queries during time allotted (time-out period) as taught by LeMaire with the teachings of Borella's Internet Telephony system for the purpose of further setting up calls and allowing calls to be received, and managing communication between users by directing the system to end call if request messages are unanswered by other party, thereby limiting network congestion.

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Borella (US PAT. 6,731,642) in view of LeMaire et al (US PAT. 6,169,741) as applied to claim 6 above, and further in view of Lautenschlager et al (US PG PUB. US-2003/0174695).

Regarding claim 7, as discussed above, Borella (US PAT. 6,731,642) discloses (Abstract, col. 3, line 14-44, col. 11, line 48-52) an IP telephony network utilizing network address translation and LeMaire discloses an Internet telephony system whereby the architecture includes users sending request to destination registration servers, and routers that utilizes router port timeout periods. Both Borella and LeMaire fail to disclose utilizing a media terminal adapter. In analogous art, Lautenschlager (US PG PUB. US-2003/0174695) discloses call processing in a VOIP environment whereby MTA are used at the terminals (source) to provide users-located functions for VOIP calls. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement utilizing an MTA as associated with communicating voice over the Internet via a voice gateway as taught as taught by Lautenschlager with the combined teachings of Borella and LeMaire for the purpose of further managing calls in a call processing environment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan can be reached on 571-272-3042. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones

October 27, 2005


CHIEH M. FAN
PRIMARY EXAMINER